

Appl. No. : **10/659,711**
Filed : **September 11, 2003**

REMARKS

Restriction to one of the following groups was required under 35 under 35 USC §121:

- Group I Claims 1-12 and 27, drawn to a method of treating, classified in class 424, subclass 93.6.
- Group II Claims 13-17, 21, and 28-30, drawn to a bacteriophage, classified in class 435, subclass 2235.1.
- Group III Claims 18 and 18, drawn to a first method of obtaining a phage, comprising selecting a long lived population, classified in class 435, subclass 237.
- Group IV Claims 20 and 22-26, drawn to a second method of obtaining a phage, comprising genetic engineering, classified in class 435, subclass 235.

In response to this Restriction requirement, Applicant elects group IV, that is Claims 20 and 22-26.

Election of species

Additionally, the Applicant was required to elect a specific bacterial specie of claims 22 or 23. In response to this election requirement, Applicant elects the specie of Escherichia bacteria with the understanding that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. Currently, Claims 20, 22 and 24-26 in the elected group are generic.

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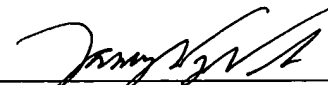
CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/21/05

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